

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS

FILED

No. 97-30715
Summary Calendar

JUN 30 1999

CHARLES R. FULBRUGE III
CLERK

LARRY E. CLARK; L & M HAIR CARE PRODUCTS INCORPORATED,

Plaintiffs-Appellants,

versus

FREDERICO PENA, Secretary of United States Department of
Transportation; RODNEY SALTER, Administrator of United States
Department of Transportation; FRANK DENTON, Secretary of
Louisiana Department of Transportation and Development; JAMES M.
DOUSHAY, Administrator of Louisiana Department of Transportation
and Development,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CV-1360
- - - - -

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:¹

The motion for sanctions filed by Louisiana Department of Transportation and Development (LDOTD) Secretary Frank Denton and LDOTD administrator James M. Doushay (Louisiana defendants) is GRANTED and their motion to strike certain of Appellants' pleadings is DENIED AS MOOT.

There is no federal jurisdictional basis for the pleadings filed in the district court by Larry Clark and L & M Hair Care

¹ Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Products, Inc. Likewise there is no jurisdictional basis for the motions to nullify various state court judgments filed by the Appellants in this court. We DISMISS Appellants' motions for lack of jurisdiction and DISMISS the appeal AS FRIVOLOUS.

Based on our review of the record, it appears that attorneys Hilry Huckaby and Henry B. Jones have signed frivolous pleadings drafted by Clark, a non-attorney, as an accommodation to allow Clark to circumvent this court's order that Clark is not authorized to file pleadings on behalf of L & M. Hair Care Products, Inc. Furthermore, the Appellants' filings in the district court and in this court constitute a blatant attempt to relitigate a matter resolved adversely to them in state court and over which the district court has no jurisdiction. Consequently, we impose the following sanctions. We award double costs and attorney fees to the Louisiana defendants and ORDER each of Clark, Attorney Huckaby, and Attorney Jones TO PAY to the Louisiana defendants one-third of the total amount of this sanction. The Louisiana defendants are DIRECTED TO SUBMIT to the Clerk of this Court an itemized list of their fees and expenses within 15 days of this order. Additionally, Clark, L & M, Attorney Huckaby, and Attorney Jones are each ORDERED TO PAY to the Treasury of the United States damages of \$1000, for a total of \$4000, as partial reimbursement of the costs incurred by the government in defending the Secretary of the U.S. Department of Transportation (DOT) and DOT administrator John Salter in this matter.

Clark is WARNED that any future frivolous filings by him, or the filing on his behalf of any frivolous pleadings which appear to

have been prepared by Clark and signed by an attorney as an accommodation, will result in Clark's being barred from filing any pleading or appeal in this court or in any court which is subject to this court's jurisdiction without the advance written permission of a judge of the forum court. Attorneys Huckaby and Jones are ADMONISHED of their duty not to file frivolous pleadings and WARNED that future frivolous filings in this court will result in the imposition of more severe sanctions.

Appellants' MOTIONS DISMISSED FOR LACK OF JURISDICTION; APPEAL DISMISSED AS FRIVOLOUS; MOTION FOR SANCTIONS GRANTED; MOTION TO STRIKE PLEADINGS DENIED AS MOOT; SANCTIONS IMPOSED; COUNSEL ADMONISHED; SANCTION WARNINGS ISSUED.